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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALFREDO FLORES,

Defendant.

CASE NO: 02:08-CR-00163-JCM-RJJ

**MOTION TO CONTINUE
SENTENCING DATE FOR A PERIOD
OF 60 DAYS
AND ORDER**

The Defendant, ALFREDO FLORES, by and through his counsel, James A. Oronoz, respectfully moves this Court for an Order continuing the sentencing date for a period of 60 days. The current sentencing date is scheduled for October 6, 2010.

This Motion is made and based upon the attached Memorandum of Points and Authorities, the papers and pleading on filed in this case, and any argument that may be heard upon this motion.

POINTS AND AUTHORITIES

INTRODUCTION AND FACTUAL BACKGROUND

The Defendant, Alfredo Flores, was charged with three felony counts related to his alleged involvement in a conspiracy to commit robbery. The Criminal Indictment charged Alfredo Flores with the following: Count One, Conspiracy to Interfere with Commerce by Robbery; Count Two, Conspiracy to Possess Cocaine with Intent to Distribute; and Count

1 Three, Possession of a Firearm in Furtherance of a Drug Trafficking Crime. Following a ten-day
2 jury trial, which began March 22, 2010, Alfredo Flores was convicted of all three counts
3 contained in the Criminal Indictment. Sentencing is currently scheduled for October 6th, 2010
4

5 **I. THIS COURT SHOULD GRANT A CONTINUANCE FOR GOOD**
6 **CAUSE DUE TO THE UNDERSIGNED'S SCHEDULING CONFLICT**
7

8 The decision to grant a continuance lies within the discretion of the trial court. *US v.*
9 *Flynt*, 756 F.2d 1352, 1358 (9th Cir. 1985). However, a district court's denial of such a motion
10 must not be arbitrary or unreasonable. *US v. Rivera-Guerrero*, 426 F.3d 1130, 1138 (9th Cir.
11 2005). There are no mechanical tests for deciding whether a continuance should be granted, and
12 the answer "must be found in the circumstances present in every case." *Ungar v. Sarafite*, 376
13 U.S. 575, 589 (1964). Under Rule 32(b)(2) of the Federal Rules of Criminal Procedure, "the
14 court may, for good cause, change any time limits" in regards to the time of sentencing.
15

16 Here, counsel requests a continuance due to a scheduling conflict. Counsel currently has
17 a Jury Trial scheduled to begin on October 5, 2010, and two State Court murder trials both
18 scheduled to begin on October 25, 2010.

19 Counsel has contacted AUSA Kathleen Bliss and confirmed that the government takes
20 no position in regards to continuing the sentencing date. Therefore, counsel respectfully
21 requests a continuance for a period of 60 days.
22

23 Furthermore, it has come to counsel's attention that co-counsel is in the process of
24 investigating a basis for the submission of a Motion for a New Trial. Therefore, counsel also
25 requests a continuance to consider whether it is in Mr. Flores's best interest to join in co-
26 counsel's said Motion.
27
28

1 Finally, a 60-day continuance would allow counsel additional needed time to prepare for
2 Mr. Flores's sentencing.
3

4 DATED this 29th day of September, 2010.
5

6 /s/ James A. Oronoz

7 JAMES A. ORONoz, ESQ.

8 Nevada Bar No. 6769

9 ORONoz LAW OFFICES

10 700 SOUTH 3RD STREET

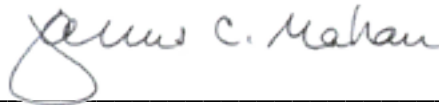
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12 Telephone: (702) 878-2889

13 Facsimile: (702) 522-1542

14 *Attorney for Defendant*
15

16 IT IS SO ORDERED this 30th day of September,
17 2010.
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20

21 UNITED STATES DISTRICT JUDGE
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am not a party to the action herein, that I am a person competent to serve papers and that on the 29th day of September 2010, I served a copy of the foregoing: MOTION TO CONTINUE SENTENCING DATE FOR A PERIOD OF 60 DAYS via CM/ECF delivery, as authorized under the local rules of the United States District Court, District of Nevada, upon the following persons:

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